

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16669 of 2007

Date: 08.08.2007

Between :

Smt K.Rajyalakshmi Prasuna.

.....Petitioner

And

The Estate Officer.

.....Respondent

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16669 of 2007

ORDER :

The petitioner is employed as a Junior Accounts Officer in the office of Director General of Police, Hyderabad. She was allotted a Government Quarter bearing No.MC 185 at Malakpet Colony, Hyderabad. The respondent herein ordered sealing of the quarter allotted to the petitioner, on the ground that it was not occupied, since a long time, and it has been allotted to another employee. The petitioner challenges the sealing of the quarter.

Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration, who obtained instructions at the admission stage.

In the recent past, the Supreme Court issued various directions as regards the continuance of

unauthorized occupants in Government quarters. It was in this context that the respondent herein found that the quarter allotted to the petitioner was not occupied and accordingly, allotted to another employee.

The petitioner submits that the whereabouts of her husband are not known and her children are settled in United States. According to her, she proceeded to United States in the year 2001, after obtaining long leave and reported to duty in the year 2006. It is stated that the petitioner locked the premises, since the roof of the flat was leaking and was residing with her colleague in the nearby quarter.

Even assuming that what is stated by the petitioner is true, this Court finds that there are serious lapses in the entire episode. When the petitioner left the country for five years, she should have handed over the possession of the same to the respondent. If a quarter is left unoccupied and not maintained for a period of five years, it suffers severe damage and that is evident from the fact that the petitioner found it unfit for residence and residing at her colleague's place. One fact, which, however, remains is that the allotment in favour of the petitioner was not cancelled and as long as the allotment stands, she cannot

be prevented from residing in the quarter. At the same time, the petitioner cannot keep the quarter locked and reside elsewhere.

For the foregoing reasons, the writ petition is disposed of and it is directed that the respondent shall remove the seal put to Quarter No.MC 185 at Malakpet Colony, Hyderabad, forthwith. In case, the petitioner does not occupy the quarter within one (1) week from the date of removal of the seal, that shall by itself constitute the ground for cancellation, without any further proceedings. Further, in case, the respondent is of the view that the allotment in favour of the petitioner cannot be continued, it shall be open to him to take necessary steps, after issuing notice to the petitioner. There shall be no order as to costs.

08.08.2007

JSU